TYPE I−FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17−cv−00437−APM

ROSENBERG et al v. UNITED STATES DEPARTMENT OF DEFENSE
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 03/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

CAROL ROSENBERG

represented by **David A. Schulz**
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ATTORNEY TO BE NOTICED

Plaintiff

MIAMI HERALD MEDIA COMPANY

represented by **David A. Schulz**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES DEPARTMENT OF DEFENSE

represented by **Daniel J. Halainen**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
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LEAD ATTORNEY
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Date Filed	#	Docket Text
03/10/2017	1	COMPLAINT against UNITED STATES DEPARTMENT OF DEFENSE (Filing fee $ 400 receipt number 0090−4872828) filed by CAROL ROSENBERG, MIAMI HERALD MEDIA COMPANY. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Civil Cover Sheet, # 5 Certificate Rule LCvR 7.1, # 6 Summons, # 7 Summons, # 8 Summons)(Schulz, David) (Entered: 03/10/2017)
03/10/2017		Case Assigned to Judge Amit P. Mehta. (md) (Entered: 03/13/2017)
03/13/2017	2	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by MIAMI HERALD MEDIA COMPANY. (md) (Entered: 03/13/2017)
03/13/2017	3	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachments: # 1 Notice of Consent) (md) (Entered: 03/13/2017)
04/12/2017	4	NOTICE of Appearance by Daniel J. Halainen on behalf of UNITED STATES DEPARTMENT OF DEFENSE (Halainen, Daniel) (Entered: 04/12/2017)

04/17/2017	5	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/28/2017. Answer due for ALL FEDERAL DEFENDANTS by 4/27/2017. (Schulz, David) (Main Document 5 replaced on 4/18/2017) (jf). (Entered: 04/17/2017)
04/17/2017	6	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General March 27, 2017. (Schulz, David) (Entered: 04/17/2017)
04/17/2017	7	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF DEFENSE served on 3/27/2017 (Schulz, David) (Entered: 04/17/2017)
04/27/2017	8	ANSWER to Complaint by UNITED STATES DEPARTMENT OF DEFENSE.(Halainen, Daniel) (Entered: 04/27/2017)
04/27/2017	9	ORDER: Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before May 12, 2017. See the attached Order for additional details. Signed by Amit P. Mehta on 04/27/2017. (lcapm1) (Entered: 04/27/2017)
04/27/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/12/2017. (cdw) (Entered: 04/28/2017)
05/04/2017	10	Unopposed MOTION for Extension of Time to *File Joint Status Report* by UNITED STATES DEPARTMENT OF DEFENSE (Halainen, Daniel) (Entered: 05/04/2017)
05/04/2017		MINUTE ORDER granting Defendant's 10 Unopposed Motion for Extension of Time to File Joint Status Report. The parties' Joint Status Report shall be due on or before May 19, 2017. Signed by Judge Amit P. Mehta on 05/04/2017. (lcapm1) (Entered: 05/04/2017)
05/04/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/19/2017. (cdw) (Entered: 05/08/2017)
05/19/2017	11	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF DEFENSE. (Halainen, Daniel) (Entered: 05/19/2017)
05/22/2017		MINUTE ORDER: Having considered the parties' respective positions concerning processing and production of responsive emails, the court orders Defendant to make a rolling production of responsive records (including redacted records) on June 12, 2017, July 7, 2017, and July 18, 2017. Thereafter, the parties shall meet and confer and notify the court no later than July 25, 2017, how they propose to proceed in this matter. Signed by Judge Amit P. Mehta on 05/22/2017. (lcapm1) (Entered: 05/22/2017)
05/22/2017		Set/Reset Deadlines/Hearings: Parties' notice to the Court due by 7/25/2017. (cdw) (Entered: 05/23/2017)
07/18/2017	12	Unopposed MOTION for Extension of Time to *Produce Records* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 07/18/2017)
07/19/2017	13	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF DEFENSE. (Halainen, Daniel) (Entered: 07/19/2017)
07/21/2017		MINUTE ORDER granting Defendant's 12 Unopposed Motion for Extension of Time nunc pro tunc to July 19, 2017. Signed by Judge Amit P. Mehta on 07/21/2017. (lcapm1) (Entered: 07/21/2017)
07/21/2017		MINUTE ORDER: In light of the parties' 13 Second Joint Status Report, the court directs Defendant to complete production on or before August 18, 2017. After production is complete, the court orders the parties to meet and confer and notify the court no later than August 25, 2017, as to how they propose to proceed in this matter. Signed by Judge Amit P. Mehta on 07/21/2017. (lcapm1) (Entered: 07/21/2017)
08/16/2017	14	MOTION for Extension of Time to *Complete Production* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 08/16/2017)

08/17/2017		MINUTE ORDER granting Defendant's 14 Unopposed Motion for Extension of Time to Complete Production. Defendant shall complete production on or before August 25, 2017. After production is complete, the court orders the parties to meet and confer and notify the court no later than September 1, 2017, as to how they propose to proceed in this matter. Signed by Judge Amit P. Mehta on 08/17/2017. (lcapm1) (Entered: 08/17/2017)
09/01/2017	15	Joint STATUS REPORT by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG. (Attachments: # 1 Text of Proposed Order)(Schulz, David) (Entered: 09/01/2017)
09/05/2017	16	ORDER setting the schedule for further proceedings in this matter: (1) Defendant shall file its Motion for Summary Judgment on or before October 18, 2017; (2) Plaintiffs shall file their Cross−Motion for Summary Judgment and Opposition to Defendant's Motion on or before November 8, 2017; (3) Defendant shall file its Reply and Opposition to Plaintiffs' Motion for Summary Judgment on or before November 22, 2017; and (4) Plaintiffs shall file their Reply on or before December 13, 2017. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 09/05/2017. (lcapm1) (Entered: 09/05/2017)
10/12/2017	17	Unopposed MOTION for Extension of Time to *File Motion for Summary Judgment* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 10/12/2017)
10/13/2017		MINUTE ORDER granting Defendant's 17 Unopposed Motion for Extension of Time. Defendant's Motion for Summary Judgment is now due on or before October 27, 2017; Plaintiffs shall file their Cross−Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment on or before November 17, 2017; Defendant's Reply and Opposition to Plaintiffs' Cross−Motion for Summary Judgment shall be filed on or before December 8, 2017; and Plaintiffs' Reply is due on or before December 22, 2017. Signed by Judge Amit P. Mehta on 10/13/2017. (lcapm1) (Entered: 10/13/2017)
10/27/2017	18	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Memorandum in Support, # 2 Declaration, # 3 Statement of Facts, # 4 Text of Proposed Order)(Halainen, Daniel) (Entered: 10/27/2017)
11/17/2017	19	Cross MOTION for Summary Judgment by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG (Attachments: # 1 Memorandum in Support of Plaintiffs' Cross−Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, # 2 Statement of Facts and Response to Defendant's Statement of Facts, # 3 Declaration of John Langford, # 4 Exhibit A−00 to Langford Decl., # 5 Exhibit PP−1 to Langford Decl., # 6 Exhibit PP−2 to Langford Decl., # 7 Text of Proposed Order)(Schulz, David) (Entered: 11/17/2017)
11/17/2017	20	Memorandum in opposition to re 18 MOTION for Summary Judgment filed by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG. (See Docket Entry 19 to view document). (znmw) (Entered: 11/20/2017)
12/07/2017	21	MOTION for Extension of Time to *File Reply and Opposition to Plaintiffs Cross−Motion for Summary Judgment* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 12/07/2017)
12/07/2017		MINUTE ORDER granting Defendant's 21 Unopposed Motion for Extension of Time. Defendant's Reply and Opposition to Plaintiffs' Cross−Motion for Summary Judgment shall now be due on or before December 15, 2017, and Plaintiffs' Reply shall be due on or before January 5, 2018. Signed by Judge Amit P. Mehta on 12/07/2017. (lcapm1) (Entered: 12/07/2017)
12/15/2017	22	Memorandum in opposition to re 19 Cross MOTION for Summary Judgment *and Opposition to Defendant's Motion for Summary Judgment* filed by UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # 1 Declaration, # 2 Statement of Facts)(Halainen, Daniel) (Entered: 12/15/2017)
12/19/2017		NOTICE OF ERROR re 22 Memorandum in Opposition; emailed to daniel.j.halainen@usdoj.gov, cc'd 5 associated attorneys −− The PDF file you docketed contained errors: 1. Two−part docket entry, 2. Please refile document, 3.

		Same document using the (Entered: 12/19/2017)
12/19/2017	23	REPLY to opposition to motion re 18 MOTION for Summary Judgment , 19 Cross MOTION for Summary Judgment < filed by UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # 1 Declaration, # 2 Statement of Facts)(Halainen, Daniel) (Entered: 12/19/2017)
01/05/2018	24	REPLY to opposition to motion re 19 Cross MOTION for Summary Judgment *and Opposition to Defendant's Motion for Summary Judgment* filed by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG. (Schulz, David) (Entered: 01/05/2018)
02/06/2018	25	NOTICE of Change of Address by David A. Schulz (Schulz, David) (Entered: 02/06/2018)
08/22/2018		MINUTE ORDER. No later than August 28, 2018, Defendant shall produce the documents identified by Plaintiffs in their 24 Reply (Records 31, 72, 129, 140, 168, 240, 248, 265, 278, 281, 288, 295, 297, 307, 317, 320, 321, 326, 328, 331, and 335) to the court for in camera review. To the extent possible, the government shall segregate records that contain classified information from those that do not. Signed by Judge Amit P. Mehta on 08/22/2018. (lcapm3) (Entered: 08/22/2018)
08/22/2018		Set/Reset Deadlines: In−Camera Submission due by 8/28/2018. (zjd) (Entered: 08/22/2018)
08/28/2018	26	NOTICE *of Lodging* by UNITED STATES DEPARTMENT OF DEFENSE re Order, (Halainen, Daniel) (Entered: 08/28/2018)
09/27/2018	27	MEMORANDUM OPINION and ORDER granting in part and denying in part Defendant's 18 Motion for Summary Judgment and Plaintiffs' 19 Cross−Motion for Summary Judgment. The parties shall meet and confer and no later than October 10, 2018, propose a schedule for an additional round of summary judgment briefing. See the attached Memorandum Opinion and Order for details. Signed by Judge Amit P. Mehta on 09/27/2018. (lcapm3) (Entered: 09/27/2018)
09/27/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 10/10/2018. (zjd) (Entered: 09/27/2018)
10/10/2018	28	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF DEFENSE. (Halainen, Daniel) (Entered: 10/10/2018)
10/11/2018		MINUTE ORDER entering the additional briefing schedule proposed in the parties' 28 Joint Status Report. The schedule for further proceedings in this matter is as follows: (1) Defendant's Motion for Summary Judgment is due on or before November 21, 2018; (2) Plaintiffs' Opposition to Defendant's Motion and Cross−Motion for Summary Judgment is due on or before December 19, 2018; (3) Defendant's Reply and Opposition to Plaintiffs' Cross−Motion is due on or before January 10, 2019; and (4) Plaintiffs' Reply in Support of their Cross−Motion for Summary Judgment is due on or before January 24, 2019. With respect to Plaintiffs' request to supplement the record, the court will consider whether to accept such additional evidence when, and if, it is submitted. Signed by Judge Amit P. Mehta on 10/11/2018. (lcapm1) (Entered: 10/11/2018)
10/11/2018		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 11/21/2018. Plaintiff's Opposition and Cross−Motion for Summary Judgment due by 12/19/2018. Defendant's Reply and Opposition due by 1/10/2019. Plaintiff's Reply due by 1/24/2019. (zjd) (Entered: 10/11/2018)
10/16/2018	29	NOTICE of Change of Address by Daniel J. Halainen (Halainen, Daniel) (Entered: 10/16/2018)
11/21/2018	30	NOTICE *of Lodging Classified Declaration* by UNITED STATES DEPARTMENT OF DEFENSE (Halainen, Daniel) (Entered: 11/21/2018)
11/21/2018	31	MOTION for Summary Judgment *(Renewed)* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Memorandum in Support, # 2 Declaration, # 3 Text of Proposed Order)(Halainen, Daniel) (Entered: 11/21/2018)

12/13/2018	32	Unopposed MOTION for Extension of Time to File *Plaintiffs' Second Opposition and Cross−Motion for Summary Judgment* by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG (Schulz, David) (Entered: 12/13/2018)
12/13/2018		MINUTE ORDER granting 32 Plaintiffs' Motion for Extension of Time to File. The schedule for further proceedings in this matter is reset as follows: (1) Plaintiffs' Opposition to Defendant's Motion and Cross−Motion for Summary Judgment is due on or before December 26, 2018; (2) Defendant's Reply and Opposition to Plaintiffs' Cross−Motion is due on or before January 17, 2019; and (3) Plaintiffs' Reply in Support of their Cross−Motion for Summary Judgment is due on or before January 31, 2019. Signed by Judge Amit P. Mehta on 12/13/2018. (lcapm1) (Entered: 12/13/2018)
12/13/2018		Set/Reset Deadlines: Plaintiff's Opposition and Cross−Motion for Summary Judgment due by 12/26/2018. Defendant's Reply and Opposition due by 1/17/2019. Plaintiff's Reply due by 1/31/2019. (zjd) (Entered: 12/19/2018)
12/20/2018	33	Unopposed MOTION for Extension of Time to File *Plaintiffs' Opposition and Renewed Cross−Motion for Summary Judgment* by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG (Schulz, David) (Entered: 12/20/2018)
12/20/2018		MINUTE ORDER granting Plaintiffs' 33 Unopposed Motion for Extension of Time to File Plaintiffs' Opposition and Renewed Cross−Motion for Summary Judgment. Plaintiffs' Opposition and Renewed Cross−Motion for Summary Judgment shall now be due on or before January 4, 2019, and Defendant's Reply shall be due on or before January 25, 2019. Plaintiffs' reply shall be due on or before February 8, 2019. No further extension of time to file Plaintiffs' Opposition will be granted absent extraordinary circumstances. Signed by Judge Amit P. Mehta on 12/20/2018. (lcapm1) Modified on 12/20/2018 (lcapm1,). (Entered: 12/20/2018)
12/20/2018		Set/Reset Deadlines: Plaintiff's Opposition and Renewed Cross−Motion for Summary Judgment due by 1/4/2019. Defendant's Reply due by 1/25/2019. Plaintiff's Reply due by 2/8/2019. (zjd) (Entered: 12/21/2018)
01/04/2019	34	Cross MOTION for Summary Judgment *(Renewed) and Partial Reconsideration* by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG (Attachments: # 1 Memorandum in Support of Plaintiffs' Renewed Cross−Motion for Summary Judgment and Partial Reconsideration, # 2 Declaration of Plaintiff Carol Rosenberg, # 3 Exhibit A to Rosenberg Declaration, # 4 Exhibit B to Rosenberg Declaration, # 5 Exhibit C to Rosenberg Declaration, # 6 Exhibit D to Rosenberg Declaration, # 7 Exhibit E to Rosenberg Declaration, # 8 Text of Proposed Order)(Schulz, David). Added MOTION for Reconsideration on 1/4/2019 (jf). (Entered: 01/04/2019)
01/04/2019	35	Memorandum in opposition to re 31 MOTION for Summary Judgment *(Renewed)* filed by MIAMI HERALD MEDIA COMPANY, CAROL ROSENBERG. (Schulz, David) (Entered: 01/04/2019)
01/07/2019	36	Unopposed MOTION to Stay *in Light of Lapse of Appropriations* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 01/07/2019)
01/08/2019		MINUTE ORDER granting 36 Defendant's Unopposed Motion for a Stay of Summary Judgment Briefing. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendant shall notify the court by when the parties will file a Joint Status Report that sets forth a proposed schedule to complete summary judgment briefing. Signed by Judge Amit P. Mehta on 01/08/2019. (lcapm1) (Entered: 01/08/2019)
01/28/2019	37	NOTICE *of Restoration of Appropriations* by UNITED STATES DEPARTMENT OF DEFENSE (Halainen, Daniel) (Entered: 01/28/2019)
01/29/2019	38	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF DEFENSE. (Halainen, Daniel) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER setting the following schedule for further proceedings in this matter: Defendant's Reply in support of Defendant's Motion for Summary Judgment and Opposition to Plaintiffs' Cross−Motion for Summary Judgment and Partial Reconsideration shall be due on or before February 18, 2019; Plaintiffs' Reply in support of Plaintiffs Cross−Motion for Summary Judgment and Partial

		Reconsideration shall be due on or before March 4, 2019. Signed by Judge Amit P. Mehta on 01/30/2019. (lcapm1) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Defendant's Reply and Opposition due by 2/18/2019. Plaintiffs' Reply due by 3/4/2019. (zjd) (Entered: 02/05/2019)
02/13/2019	39	Unopposed MOTION for Extension of Time to File Response/Reply as to 34 Cross MOTION for Summary Judgment *(Renewed) and Partial Reconsideration* MOTION for Reconsideration by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 02/13/2019)
02/14/2019		MINUTE ORDER granting 39 Defendant's Unopposed Motion for Extension of Time. Defendant shall now file its Consolidated Opposition to Plaintiffs' Cross−Motion for Summary Judgment and Reply on or before February 22, 2019, and Plaintiffs shall now file their Reply in support of their Cross−Motion for Summary Judgment on or before March 8, 2019. Signed by Judge Amit P. Mehta on 02/14/2019. (lcapm1) (Entered: 02/14/2019)
02/14/2019		Set/Reset Deadlines: Defendant's Consolidated Opposition and Reply due by 2/22/2019. Plaintiff's Reply due by 3/8/2019. (zjd) (Entered: 02/21/2019)
02/23/2019	40	Memorandum in opposition to re 34 Cross MOTION for Summary Judgment *(Renewed) and Partial Reconsideration* MOTION for Reconsideration filed by UNITED STATES DEPARTMENT OF DEFENSE. (Halainen, Daniel) (Entered: 02/23/2019)
02/23/2019	41	REPLY to opposition to motion re 31 MOTION for Summary Judgment *(Renewed)* filed by UNITED STATES DEPARTMENT OF DEFENSE. (Halainen, Daniel) (Entered: 02/23/2019)
02/23/2019	42	Unopposed MOTION for Extension of Time to File Response/Reply *Nunc Pro Tunc* by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # 1 Text of Proposed Order)(Halainen, Daniel) (Entered: 02/23/2019)